

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT CONWAY

Plaintiff,

v.

HEALTHFIRST INC. & CHRISTOPHER  
SMITH,

Defendants.

**USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 11/9/21**

21-CV-6512 (RA)


ORDER

RONNIE ABRAMS, United States District Judge:

The parties have filed numerous letters regarding Plaintiff's application to amend the complaint. Although Plaintiff has already amended the complaint once and still not effectuated service, the Court nonetheless grants him leave to amend. This accords with the liberal standard of Rule 15 and the Second Circuit's "strong preference for resolving disputes on the merits." *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015). Plaintiff shall file the second amended complaint no later than December 17, 2021. While recognizing that "filing an amended complaint does not toll the Rule 4(m) service period," 4B Charles Alan Wright, *et al.*, Fed. Prac. & Proc. Civ. § 1137 (4th ed. 2015), the Court grants Plaintiff until January 7, 2022 to serve the second amended complaint, *see* Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court... must dismiss the action without prejudice against that defendant or order that service be made within a specified time."). Failure to do so will result in a dismissal of this action, albeit without prejudice. *See id.*

SO ORDERED.

Dated: November 9, 2021  
New York, New York

  
\_\_\_\_\_  
RONNIE ABRAMS  
United States District Judge